

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ERICK BERG,

Plaintiff,

-against-

**CAPITAL ONE FINANCIAL CORP.,
AETNA LIFE INSURANCE COMPANY,
and CAPITAL ONE SHORT TERM
MANAGED INCOME PROTECTION
BENEFITS PLAN,**

Defendants.

Case No. 13-CV-2694

7.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1 (formerly Local Civil Rule 1.9) and to enable Judges and Magistrate Judges to evaluate possible disqualifications or recusal, the undersigned counsel certifies that Capital One Financial Corporation is a publicly traded company.

Respectfully submitted,

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Dated: June 28, 2013
New York, New York

By s/ Lori D. Bauer
Lori D. Bauer
Nicole Q. Saldana

ATTORNEYS FOR DEFENDANT
CAPITAL ONE FINANCIAL CORPORATION